

# REGULATION

<b>SPDOC No.:</b>  06-11	<b>Effective Date:</b>  August 13, 2006	<b>Index Reference:</b>  Establishment, Reclassification, Preauthorized, Effective Date	<b>Regulation Number:</b>  <b>4.04</b>
<b>Issuing Bureau:</b>  Human Resource Services	<b>Rule Reference:</b>  Rules: 1-3 (Regulations and Advisories) 4-1 (Position Establishment and Classification) 4-2 (Position Classification Review)		<b>Replaces:</b>  Reg. 4.04 (SPDOC No. 03-18, June 9, 2003)
<b>Subject:</b>  EFFECTIVE DATES FOR CLASSIFICATION ACTIONS			

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## **1. PURPOSE**

This regulation establishes the standards and procedures for determining an effective date for all classification actions.

## **2. CIVIL SERVICE COMMISSION RULE REFERENCE**

### ***Rule 1-3      Regulations and Advisories***

*The state personnel director is authorized to issue regulations and advisories that the director deems to be necessary or useful. A regulation issued by the state personnel director is binding, unless the commission finds that the regulation*

*violates a rule. An advisory does not have the force and effect of law and is not binding. The state personnel director shall make all regulations and advisories available to employees through their personnel offices and the internet.*

### ***Rule 4-1 Position Establishment and Classification***

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#### ***4-1.5 Effective Date of Establishment***

*Positions are established and classified on a current basis.*

### ***Rule 4-2 Position Classification Review***

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- (c) ***Effective date of change.*** *A change in the classification of a position based on a review under this rule is on a current basis, except as otherwise approved by the state personnel director.*

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## **3. STANDARDS**

### **A. Classification Actions that Require Civil Service Approval.**

1. The classification of all position establishments requires approval by the Department of Civil Service. The effective date of an establishment action is the beginning of the pay period in which a fully documented position action request is received by the Department of Civil Service.
2. The effective date of a reclassification action for a position in a classification that is not preauthorized is the beginning of the pay period in which a fully documented position action request is received by the Department of Civil Service, except as provided in 3. and 4. below.
3. The effective date of a Student Assistant reclassification is the beginning of the pay period in which a fully documented position action request is approved by the Department of Civil Service. In accordance with regulation 3.02 [Student Assistants in the Classified Service], retroactivity is not permitted.
4. The effective date of a retroactive reclassification action for a position in a classification that is not preauthorized will be determined based upon Civil Service's receipt of a fully documented position action request and one of the following conditions:
  - a. When reclassification is between an entry, intermediate, experienced, or advanced level in a class series and reasonable justification is provided by the appointing authority, the Department of Civil Service may grant retroactivity of up to a maximum of 26

- pay periods preceding the beginning of the pay period in which the reclassification request is received by Civil Service.
- b. When reclassification is from an experienced-level or advanced-level worker classification to a specialist classification and reasonable justification is provided by the appointing authority, the Department of Civil Service may grant retroactivity up to a maximum of seven pay periods preceding the beginning of the pay period in which the reclassification request is received by Civil Service. The appointing authority must certify that the position incumbent was performing specialist duties as of the effective date requested.
  - c. For all other reclassifications, the Department of Civil Service may grant retroactivity of up to a maximum of seven pay periods preceding the beginning of the pay period in which the reclassification request is received by Civil Service, when reasonable justification is provided by the appointing authority.
  - d. Exceptional mitigating occurrences may provide a basis for granting retroactivity beyond the seven pay periods authorized in 4.b. and c. above. Exceptional mitigating occurrences are one of the following:
    - (1) Any inappropriate action by the agency that prevented the employee from filing an employee generated position review request directly with the Department of Civil Service.
    - (2) Serious physical or mental incapacity of the employee that prevented them from filing an employee generated position review request directly with the Department of Civil Service.
    - (3) Extraordinary unforeseen circumstances outside the control of the employee that prevented the employee from filing an employee generated position review request directly with the Department of Civil Service.
  - e. The maximum retroactivity permitted is 26 pay periods preceding the beginning of the pay period in which the reclassification request is received, even with a showing of exceptional mitigating occurrences.
  - f. A reclassification may be retroactive according to these standards only if the classification plan and the duties and responsibilities of the position are the same on both the date received and the retroactive effective date.
5. The Department of Civil Service reviews and approves P-rate assignment for Nonexclusively Represented Employees (NEREs) only. The effective date of P-rate assignment is the beginning of the pay period in which a fully documented position action request is received by the Department of Civil Service, except as provided in 6. below.

6. The maximum retroactivity for P-rate assignment is 26 pay periods preceding the beginning of the pay period in which the request is received. The approval for P-rate may be retroactive according to this standard only if the classification plan and the duties and responsibilities of the position are the same on both the date the request is received and the retroactive effective date.
7. The effective date assigned to agency-specific senior standards, Group 3 complex work area standards, and other processing standards developed by the appointing authority and approved by the Department of Civil Service is the beginning of the pay period in which the proposed standard or standard revision is received by the Department of Civil Service. The effective date for a classification action cannot precede the approved effective date of the standard.
8. A fully documented position action request consists of an up-to-date, completed Position Description form (CS-214) and a properly prepared Position Action Request form (CS-129).
9. The appointing authority must supply any additional necessary information requested to render a classification decision, such as an updated organizational chart, evaluation system rating forms, senior standards, etc.
10. After an appointing authority initiates a request, failure to provide additional requested information within 20 workdays (30 workdays for positions requiring agency evaluation on a classification rating system) of a request may result in the issuance of a "No Action" on the request. The effective date of any subsequent action will be the beginning of the pay period in which a fully documented resubmitted position action request is received by the Department of Civil Service.

#### **B. Preauthorized Reclassifications.**

1. Preauthorized reclassification actions can be processed by the appointing authority only for a position in an entry/intermediate/experienced classification series.
2. The appointing authority must assign as the effective date the beginning of the pay period in which the preauthorized reclassification is processed, except as provided in 3. below.
3. Departmental delays may be considered as reasonable justification for granting retroactivity of up to a maximum of 26 pay periods preceding the beginning of the pay period in which the reclassification is processed. The appointing authority may not assign an effective date of reclassification earlier than 26 pay periods after the employee's appointment to the position or the employee's last reclassification.
4. Reclassification actions and effective dates are subject to Department of Civil Service audit.

#### 4. **PROCEDURES**

##### A. Classification Actions that Require Civil Service Approval.

Responsibility	Action
Appointing Authority	<ol style="list-style-type: none"> <li>1. For position establishments, reclassifications, and P-rate assignment, submits a Position Action Request form (CS-129) and a Position Description form (CS-214) to the Department of Civil Service.</li> <li>2. For retroactive reclassifications and P-rate assignment, submits a Position Action Request form and a Position Description form with rationale for a retroactive effective date to the Department of Civil Service.</li> </ol>
Department of Civil Service	<ol style="list-style-type: none"> <li>3. Reviews the request and documents decision.</li> <li>4. Enters the necessary approved position information in the Human Resources Management Network (HRMN).</li> <li>5. Releases the Position Action Request form to the appointing authority.</li> </ol> <p>If disapproved, documents the reasons on the Position Action Request form. Informs the employee of the reclassification action and appeal rights.</p>
Appointing Authority	<ol style="list-style-type: none"> <li>6. Receives the completed Position Action Request form and enters the employee information in the HRMN for any occupied position.</li> </ol>

**B. Preauthorized Reclassifications.**

Responsibility	Action
Agency Management	<ol style="list-style-type: none"> <li>1. Submits a Position Description form and a request to the appointing authority for a classification review.</li> <li>2. Certifies to the appointing authority that the employee is satisfactorily performing the higher-level duties and meets the classification's requirements.</li> </ol>
Appointing Authority	<ol style="list-style-type: none"> <li>3. Reviews the request and documents the decision.</li> <li>4. For retroactive reclassifications, documents the reason for retroactivity.</li> <li>5. Enters the necessary approved employee information in the HRMN.</li> </ol>
Department of Civil Service	<ol style="list-style-type: none"> <li>6. Conducts audit to ensure reclassifications and effective dates are processed in compliance with applicable standards.</li> </ol>

**CONTACT**

Questions regarding this regulation should be directed to the Department of Civil Service, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909; by telephone, at 517-373-3048 or 1-800-788-1766; or by e-mail to [MDCS-BHRS@michigan.gov](mailto:MDCS-BHRS@michigan.gov).

**NOTE:** Regulations are issued by the State Personnel Director, under authority granted in the *State of Michigan Constitution* and the *Michigan Civil Service Commission Rules*. Regulations that implement Commission Rules are subordinate to those Rules.